



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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Chairman

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June 25, 2009

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Mr. Barry Breen
Acting Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

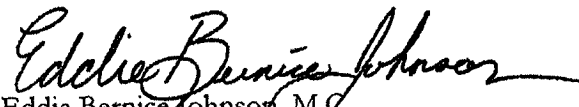
Dear Acting Assistant Administrator Breen:

Thank you for your testimony before the Subcommittee on Water Resources and Environment on April 30, 2009, concerning "Coal Combustion Waste and Water Quality." I am pleased that the Agency was able to appear and testify on behalf of the Environmental Protection Agency. The Subcommittee gained valuable insight from the information provided by representatives from EPA at the hearing.

Enclosed please find additional questions for written responses for the record for the hearing. The Subcommittee appreciates written responses from the Agency no later than July 10, 2009. Please submit your response via US mail to Jenna Tatum at B-376 Rayburn House Office Building, Washington, D.C., 20515. Additionally, please provide an electronic version of your response via e-mail to jenna.tatum@mail.house.gov.

If you have any questions, please do not hesitate to contact the Subcommittee staff at (202) 225-0060.

Sincerely,


Eddie Bernice Johnson, M.C.

Enclosure

Follow-Up Questions for Acting Assistant Administrator Breen
House Committee on Transportation and Infrastructure
Subcommittee on Water Resources and Environment
Hearing on Coal Combustion Waste Storage and Water Quality
Thursday, April 30, 2009 at 10 a.m.

1. In his testimony, Mr. Eric Schaeffer of the Environmental Integrity Project testified that "burning coal concentrates the toxic constituents that are in coal, like arsenic and selenium, many times over," and that these "toxic elements will leak out of coal ash if it is saturated." In your opinion, do you believe that a lack of federal regulations for the storage and management of coal ash can result in these substances posing hazards to human health?
2. Please submit to the Committee any plans or procedures that EPA will undertake in the next thirty days regarding the Office of Solid Waste and Emergency Response's review of its guidelines for the storage for coal combustion wastes.
3. Please provide the Committee with the Office of Water's timeline, process, and any other relevant information for determining whether or not it will be necessary to establish new Effluent Limitation Guidelines for power plants (Steam Electric Power Generation), as well as new discharge limits for the range of constituents associated with coal combustion and coal combustion waste in order to protect human and ecological health?
4. During the question and answer period of the hearing, Congressman Hall asked Acting Assistant Administrator Breen about the presence of toxic chemicals (arsenic, mercury, cadmium, etc.) in coal and 'clean coal.' For the record, would you please provide the Committee with an analysis of the chemical differences between the substances found in coal and 'clean coal'? In your answer, please provide a specific response as to the presence of arsenic, mercury, cadmium, chromium, boron in clean coal – as well as any other potentially toxic substances found in coal ash. For the record, please respond to Congressman Hall's questions regarding clean coal.
5. In Acting Assistant Administrator Breen's testimony, he noted that EPA is currently conducting a survey of 61 corporations representing 162 coal-fired power production facilities. During the question and answer period, Congresswoman Napolitano asked him to provide to the Committee a copy of the survey instrument sent by EPA to these corporations, as well as any subsequent information or results from the survey. Please provide the Committee with a copy of the survey that was sent to each of these 61 corporations. Additionally, please provide to the Committee any analysis or data compilation that is currently available from these surveys. If there is no such information available, please provide to the Committee a time frame in which EPA hopes to have the analysis complete.

Please also provide information about any of the 61 corporations that have not satisfactorily responded to the survey, as well as information about any of the 162 facilities for which information was not provided, pursuant to the survey.

6. During the question and answer period, Congresswoman Titus asked you to provide a list of State regulations regarding the beneficial use of coal ash, as well as any regulations regarding the storage of coal combustion waste. In addition to providing the Committee with this information, please provide the committee with a list of coal-fired power plants in the State of Nevada and specify whether or not these storage facilities are wet or dry impoundments, and are lined (identifying liner type used) or unlined. Please also provide information on what each liner consists of, and whether there are NPDES permits associated with these coal combustion waste retention facilities.
7. In his testimony, Mr. Eric Schaeffer of the Environmental Integrity Project testified that the discharges of a number of constituents into waters of the United States – such as selenium and arsenic – from a variety of coal-fired power plants were well in excess of either chronic freshwater standards for aquatic life, chronic saltwater standards for aquatic life, human health standards for the consumption of organisms, or federal drinking water standards, albeit these discharges were consistent with the permit terms of the facilities' NPDES permits.

Going forward, what active response will EPA take to ensure that discharges from industrial, power, and other facilities do not exceed chronic freshwater standards for aquatic life, chronic saltwater standards for aquatic life, human health standards for the consumption of organisms, or federal drinking water standards, as demonstrated in Mr. Schaeffer's testimony?

8. Does EPA believe that the current Effluent Limitation Guideline (ELG) for Steam Electric Power Generation, as it applies to coal-fired power plants, is protective of human health and the environment?
9. Is the ELG for Steam Electric Power Generation, as it applies to coal-fired power plants, sufficient to:
 - a) Restore and maintain the chemical, physical and biological integrity of all waters of the United States, ground waters, waters of the contiguous zone, and the oceans?
 - b) Ensure the protection and propagation of shellfish, fish, and wildlife for classes and categories of receiving waters, and to allow recreational activities in and on the water; and
 - c) Protective of human health?

Please also provide a response that takes the bioaccumulative factors of some of these constituents into account.

10. During the hearing, you cited a statistic on coal combustion waste storage and disposal facilities constructed between 1994 and 2001 as being "lined" facilities. Are all coal combustion waste storage and disposal facilities constructed between 1994 and 2001 "lined" facilities? What proportion of these facilities use clay liners, and what proportion use synthetic liners? What are the current Federal regulations that require coal combustion waste disposal and storage facilities to used liners?

In addition, does EPA have detailed information on the types of liners used for each of the facilities surveyed (with regards to the survey referenced in Question #5)? Please provide information or analyses regarding these. If EPA does not have this information, please provide the Subcommittee with a timeline for which EPA will gather and provide information on the presence and types of liners for all storage and disposal facilities surveyed.